

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EFRAIN NAJAS URIBE,

Case No. 2:21-cv-00054-RFB-BNW

Petitioner,

ORDER

v.

JERRY HOWELL, et al.,

Respondents.

This habeas matter is before the Court on Petitioner Efrain Najas Uribe's failure to comply with the Court's Minute Order instructing him to update his address. (ECF No. 17.) On October 4, 2021, the U.S. Postal Service returned court mail from the last institutional address provided by Petitioner with a notation indicating that he no longer is at the institution and has been paroled. (See ECF No. 14.) And the respondents filed a notice of returned mail on October 6, 2021, indicating that their motion to dismiss was mailed to Petitioner and returned to the Office of the Attorney General. (ECF No. 15.) The inmate locator tool on the Nevada Department of Corrections' ("NDOC") website similarly reflects that Petitioner has been released on parole.¹

The Local Rules of Practice require all parties, including habeas petitioners, to immediately file with the Court written notice of any change of address. LR IA 3-1, LR 2-2. The Local Rules also warn that failure to comply may result in dismissal of the action, with or without prejudice, or other sanctions as the court deems appropriate. *Id.*; see also *Carey v. King*, 856 F.2d 1439, 1441 (9th Cir. 1988) ("A party, not the district court, bears the burden of keeping the court apprised of any changes in his mailing address.")

¹ The inmate locator tool may be accessed by the public online at <https://ofdsearch.doc.nv.gov/>. The Court takes judicial notice of Petitioner's current status as reported in the NDOC's online records.

1 On January 5, 2022, the Court ordered Petitioner to update his address by February 4, 2022.
2 (ECF No. 17.) The Court further warned Petitioner that a failure to timely update his address would
3 result in the dismissal of his petition. (Id.) To date, Petitioner has not filed a notice of change of
4 address or taken any other action to prosecute this case.

5 **IT IS THEREFORE ORDERED** that this action is **dismissed without prejudice**.

6 **IT IS FURTHER ORDERED** that the Clerk of Court is instructed to enter judgment
7 accordingly and close this case. Petitioner has leave from the Court to file a motion for
8 reconsideration to reopen this case based upon the assertion of legitimate or equitable reasons for
9 failing to respond to the Court's orders.

10 Dated: May 16, 2022



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT COURT